

26 Section 1. Section 76-3-203.12 is enacted to read:

27 **76-3-203.12. Enhanced penalty for sexual offenses committed by a person with**
28 **Human Immunodeficiency Virus or Acquired Immunodeficiency Virus.**

29 (1) A person convicted of a sexual offense described in Chapter 5, Part 4, Sexual
30 Offenses, is subject to an enhanced penalty if at the time of the sexual offense the person was
31 infected with Human Immunodeficiency Virus or Acquired Immunodeficiency Virus and the
32 person knew of the infection.

33 (2) (a) Except as provided in Subsection (2)(b), the enhancement of a penalty described
34 in Subsection (1) shall be an enhancement of one classification higher than the root offense for
35 which the person was convicted.

36 (b) A felony of the first degree is not enhanced under this section.